



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

March 10, 1992

Mr. Robert E. Diaz
Police Legal Advisor
Assistant City Attorney
City of Arlington Police Department
P.O. Box 1065
Arlington, Texas 76004-1065

OR92-93

Dear Mr. Diaz:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 14623.

You have received a request for information relating to investigations of several bank robberies. You seek to withhold the requested information under sections 3(a)(1), 3(a)(4), 3(a)(8), 3(a)(10), and 3(a)(11) of the Open Records Act.

You assert that the requested information is excepted from disclosure under section 3(a)(8) of the act, which excepts:

records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

You advise us that the requested information relates to a pending criminal investigation. We have examined the documents submitted to us for review and conclude that, except for first page offense report information identified as available to the public in Open Records Decision No. 127 (1976), the requested information may be withheld under section 3(a)(8). As we resolve this matter under section 3(a)(8), we need not address the applicability of the other claimed exceptions at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-93.

Yours very truly,

Sarah Woelk by S.G.

Sarah Woelk
Assistant Attorney General
Opinion Committee

SW/GK/mc

Ref.: ID# 14623

ID# 14755

ID# 14810

cc: Mr. Mark Evin Reeves
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